

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

MARCELLO VIEYRA, JR.,

Defendant.

8:14CR229

ORDER

This matter is before the court on defendant's unopposed motion to continue trial [19] as defendant is being evaluated for in-patient treatment and counsel needs additional time to prepare for trial. The court finds good cause being shown and the trial shall be continued. The defendant shall comply with NECrimR 12.1(a).

IT IS ORDERED that the motion to continue trial [19] is granted, as follows:

1. The jury trial now set for November 4, 2014 is continued to **January 13, 2015**.
2. Defendant is ordered to file a waiver of speedy trial as soon as practicable.

3. In accordance with 18 U.S.C. § 3161(h)(7)(A), the court finds that the ends of justice will be served by granting this continuance and outweigh the interests of the public and the defendant in a speedy trial. Any additional time arising as a result of the granting of this motion, that is, the time between **today's date and January 13, 2015**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act. Failure to grant a continuance would deny counsel for the defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(A) & (B)(iv).

DATED November 3, 2014.

BY THE COURT:

s/ F.A. Gossett
United States Magistrate Judge